

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

In re:

DAVID LEE HORNER, ) Case No. 3:16-BK-32559-SHB  
 ) Chapter 7  
Debtor. )

NOTICE OF SALE OF PERSONAL PROPERTY

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at 800 Market St., Suite 330, Knoxville, Tennessee, 37902, an objection within twenty-one (21) days from the date this paper was filed and serve a copy on the movant's attorney, F. Scott Milligan, Little & Milligan, PLLC, 900 E. Hill Avenue, Suite 130, Knoxville, TN 37915. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Comes F. Scott Milligan, Chapter 7 Trustee, through counsel, and gives notice to creditors and parties in interest of his intent to sell the debtor's personal property pursuant to 11 U.S.C. §363 and Federal Rule of Bankruptcy Procedure 2002 and 6004. In support of sale, the Trustee would show unto the Court as follows:

1. The debtor, David Lee Horner, filed a voluntary Chapter 7 case on August 26, 2016. F. Scott Milligan was appointed Chapter 7 Trustee and currently serves in that capacity.
2. The debtor owned a 2003 Toyota 4Runner automobile with approximately 161,000 miles on it. In November 2015, the debtor transferred the title to his daughter, Kristen Horner, without consideration. This vehicle is unencumbered.
3. The Trustee contends the transfer of the vehicle was an avoidable transfer and that the vehicle could be recovered by the bankruptcy estate and sold. The debtor has made an offer to the Trustee to pay the estate for the vehicle to allow himself/his daughter to retain the vehicle.
4. The debtor has offered \$4,500.00 for the vehicle. The Trustee believes this

is a fair value and is willing to accept the offer. The Trustee has had the vehicle inspected and believes it would sell at auction for \$4,000.00 to \$5,000.00. The Trustee has not had to incur cost or expense to achieve this sale.

5. The property is being sold "AS IS, WHERE IS, and WITH ALL FAULTS."

6. The Trustee requests that the 14 day stay period of Federal Rule of Bankruptcy Procedure 6004(h) be waived for cause.

Respectfully submitted this 15<sup>th</sup> day of December, 2016.

/s/ F. Scott Milligan  
F. Scott Milligan, BPR No. 13886  
LITTLE & MILLIGAN, PLLC  
900 E. Hill Avenue, Suite 130  
Knoxville, TN 37915  
865-522-3311  
Attorney for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2016, a true and correct copy of the foregoing document has been served upon the following by electronic mail and/or ECF.

Keith L. Edmiston, Attorney for Debtor  
Tiffany Dilorio, Attorney for US Trustee

The following have been served below by placing a copy thereof, first class postage prepaid, hand delivery, or facsimile.

(David Lee Horner mailing matrix attached.)

David Lee Horner  
1211 Whitower Drive  
Knoxville, TN 37919

/s/ F. Scott Milligan  
F. Scott Milligan